

**MINUTES OF THE PUBLIC MEETING OF THE  
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY  
March 27, 2004**

**BOARD MEMBERS PRESENT:** President Martin Reiss, D.O.; Vice-President Stanley Grossman; Stanley Brysacz, Jr., D.O.; Murray Cohen, D.O.; David Steinway, D.O.; F. P. Wedel, D.O.

**BOARD MEMBERS ABSENT:** Charlie Hendrix

**STAFF / OTHERS PRESENT:** Elaine LeTarte, Executive Director  
Barbara Meyers, Deputy Director  
Barbara Prah-Wix, D.O., Medical Consultant  
Blair Driggs, Assistant Attorney General  
Carole A. Whipple, Griffin & Associates (Court Reporter)

**I. CALL TO ORDER**

The Board President, Dr. Martin Reiss, called the meeting to order at 8:15 a.m.

**II. ROLL CALL**

The Executive Director took the roll. The six Board Members listed above were present, establishing quorum for the meeting. The staff and others listed above were also present.

**III. PRESIDENT'S REPORT**

A. Welcome to the 3<sup>rd</sup> year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University.

Dr. Reiss welcomed the 3<sup>rd</sup> year medical students. After the conclusion of the Investigative Hearings and some of the Case Reviews, the Board held a question and answer session with the medical students. The students were dismissed at approximately 3:00 p.m.

**IV. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES**

- A. January 24, 2004 Board Meeting
- B. March 2, 2004 Conference Call meeting
- C. March 12, 2004 Conference Call meeting
- D. March 12, 2004 Conference Call meeting (executive session)

Dr. Steinway moved that the minutes of the above meetings be approved, with the correction showing Mr. Grossman had not participated in the March 12, 2004 conference call meeting. Dr. Wedel seconded. The motion passed, 6-0.

## **V. CALL TO THE PUBLIC**

Dr. Reiss, President of the Board, informed those present that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. People wishing to speak were asked to fill out a speaker form and give it to a staff member.

## **VI. REVIEW, DISCUSSION, AND ACTION ON CASES MOVED TO FORMAL ADMINISTRATIVE HEARING, PURSUANT TO A.R.S. § 32-1855 (E).**

A. Brian Finkel, D.O. Case No. 3287 License No. 1830

The Executive Director informed the Board that negotiations were continuing for a possible surrender of Dr. Finkel's license.

B. Eugene Pardi, D.O. Case No. 2986 License No. 2221

The Executive Director informed the Board that Dr. Pardi had waited until March 26, 2004 to sign the agreement to surrender his license, which the Board had accepted at their December 13, 2003 meeting. Dr. Pardi is due to be sentenced on April 5, 2004 for the violation of his criminal probation that rose from the same conduct.

## **VII. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E)**

A. Arthur Taylor, D.O. Case No. 3078 License No. 2750

Dr. Taylor was present and represented by counsel, Mr. Calvin Raup. Dr. Taylor was sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Taylor presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Steinway moved that a Letter of Concern be issued, noting that although Dr. Taylor's conduct did not rise to a violation of the law, there was concern over his prescribing of diet pills under questionable circumstances. Mr. Grossman seconded. After additional discussion among the Board members and with Dr. Taylor, the question was called. A roll call vote was taken, and the motion passed, 6-0.

B. Todd Lincoln, D.O. Case No. 3085(B)M License No. 2445

Dr. Lincoln was present, and sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Lincoln presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Steinway moved that the complaint be dismissed. Dr. Brysacz seconded. The motion passed, 6-0.

C. S. Foster Easley, D.O. Case No. 3121 License No. 3212

Dr. Easley was present and represented by counsel, Mr. Charles Buri. Dr. Easley was sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Easley presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Brysacz moved that the complaint be dismissed. Dr. Steinway seconded. The motion passed, 6-0.

D. Harry Watters, D.O. Case No. 3128 License No. 1927

Prior to the meeting, staff granted Dr. Watters' request for a first continuance of this case, until the May 8, 2004 meeting.

E. Michael Ginder, D.O. Case No. 3033 License No. 0959

Prior to the meeting, staff granted Dr. Ginder's request for a first continuance of this case, until the May 8, 2004 meeting.

F. Thomas Wood, D.O. Case No. 3153 License No. 2251

Prior to the meeting, staff granted Dr. Wood's request for a first continuance of this case, until the May 8, 2004 meeting.

G. Richard Dexter, D.O. Case No. 3101M License No. 3441

Dr. Dexter was present, and sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Dexter presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Steinway moved that a Letter of Concern be issued, noting that although Dr. Dexter's conduct did not rise to a violation of the law, the Board was concerned that he failed to do an EKG or to entertain a possible diagnosis of cardiology problems in this case. Mr. Grossman seconded. The motion passed, 6-0.

H. Jeffrey Izenberg, D.O. Case No. 3089M License No. 2942

Dr. Izenberg was present, and sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Izenberg presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Brysacz moved that a Letter of Concern be issued, noting that although Dr. Izenberg's conduct did not rise to a violation of the law, the Board was concerned about his failure to obtain consultation in a timely fashion in this case. Dr. Steinway seconded. A roll call vote was taken, and the motion passed, 6-0.

I. Carmen Alfonso, D.O. Case No. 3136 License No. 3004

J. Carmen Alfonso, D.O. Case No. 3139 License No. 3004

K. Carmen Alfonso, D.O. Case No. 3152 License No. 3004

Dr. Alfonso was present, and represented by counsel, Howard Meyers. Dr. Alfonso was sworn in by the Court Reporter. The Deputy Director summarized all three cases, since all had the same underlying allegation. Dr. Alfonso and her attorney presented her view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Steinway moved to table the cases until the Board received a copy of the receipt showing that Dr. Alfonso had delivered the copies of the medical records to Dr. Martin. Mr. Grossman seconded. Dr. Reiss directed that the matter be so tabled.

L. Craig Rundbaken, D.O. Case No. 3091 License No. 3219

Dr. Rundbaken was present, and sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record. Dr. Rundbaken presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Brysacz moved that the case be dismissed. Dr. Wedel seconded. A roll call vote was taken, and the motion failed for lack of a majority, 3-3. Dr. Brysacz, Dr. Wedel, and Dr. Reiss voted in favor; Dr. Cohen, Dr. Steinway, and Mr. Grossman voted against the motion.

After further discussion among the Board members and with Dr. Rundbaken, Dr. Cohen moved for dismissal. Dr. Brysacz seconded. A roll call vote was taken, and the motion passed, 5-1. Dr.

Cohen, Dr. Brysacz, Dr. Wedel, Dr. Steinway, and Dr. Reiss voted in favor; Mr. Grossman voted against the motion.

M. Joe Gregory, D.O. Case No. 3047(A)M License No. 2702  
Dr. Gregory was present, and sworn in by the Court Reporter. The Medical Consultant read the summary of the case into the record; the summary covered Dr. Gregory's, Dr. Ambrosia's and Dr. Kerr's care of the patient. Dr. Gregory presented his view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Steinway moved that a Letter of Concern be issued, noting that although Dr. Gregory's conduct did not rise to a violation of the law, the Board was concerned about his failure to take the patient's temperature and to properly evaluate the patient in a timely fashion and do an adequate follow up plan. Mr. Grossman seconded. A roll call vote was taken, and the motion passed, 6-0.

N. Alphonse Ambrosia, D.O. Case No. 3047(B)M License No. 2705  
Dr. Ambrosia was present, and sworn in by the Court Reporter. The Medical Consultant had previously read the summary of the case into the record. Dr. Ambrosia presented his view of the case, then answered the Board's questions and discussed the case with the Board. Mr. Grossman moved that a Letter of Concern be issued, noting that although Dr. Ambrosia's conduct did not rise to a violation of the law, the Board was concerned about his failure to follow up appropriately on the issue of the white count, and not doing or documenting a full examination. Dr. Cohen seconded. A roll call vote was taken, and the motion passed, 6-0.

O. Jill Kerr, D.O. Case No. 3047(C)M License No. 3241  
Dr. Kerr was present, and sworn in by the Court Reporter. The Medical Consultant had previously read the summary of the case into the record. It was clarified that Dr. Kerr's name at the time the record was done was Dr. Shoop. Dr. Kerr presented her view of the case, then answered the Board's questions and discussed the case with the Board. Dr. Cohen moved that the complaint be dismissed. Dr. Steinway seconded. The motion passed, 6-0.

### **VIII. REVIEW, CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855.**

A. David Nyman, D.O. Case No. 3324 License No. 3823  
Dr. Nyman was not present. The Executive Director explained, for the record, that Dr. Nyman had been properly noticed to attend the meeting but because of a defect in the address of record Dr. Nyman gave the Board, he did not receive the notice until just before the meeting. Dr. Nyman was in Texas, and could not therefore attend this meeting. The Executive Director summarized the allegations of Dr. Nyman's non-compliance with terms of his probation order, including recently received information that Dr. Nyman had been prescribing hydrocodone for people not his patients, and allegedly diverting that medication for his own use.

Dr. Steinway moved that Dr. Nyman's license be summarily suspended, in that, based on above allegations of non-compliance with the terms of his probation order, and based on information that he may be diverting and abusing substances, Dr. Nyman's conduct posed an immediate danger to the health, welfare and safety of the public. Mr. Grossman seconded. A roll call vote was taken, and the motion passed, 6-0. The Board directed that copies of the summary suspension be sent to Dr. Nyman's employers, and to the DEA.

B. Revision of probation orders re: not signing self-help logs after period of time  
Dr. Steinway moved that the probation orders of those doctors who had been in compliance for at least one year be amended, to delete the requirement that self-help meeting logs be initialed by the meeting chairperson. Dr. Wedel seconded. The motion passed, 6-0.

**IX. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. §32-1822 (B): PERMITS PURSUANT TO § A.R.S. 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. §32-1825 (C-D) AND A.A.C. R4-22-109.**

A. Brandon Covert, D.O.  
Dr. Covert was present. The Executive Director summarized the issues still pending regarding Dr. Covert's application for licensure. Dr. Covert discussed his application and the pending issues with the Board, and answered their questions. Dr. Reiss moved to table the application until the Board received the report of the psychological evaluation and assessment Dr. Covert underwent during his residency. Dr. Steinway seconded. The application was then tabled.

B. Gregory Ebner, D.O.  
The Executive Director summarized the facts underlying the staff's allegation that Dr. Ebner had attempted to be licensed through misrepresentation. Mr. Grossman moved to deny Dr. Ebner's application on the grounds listed by the staff. Dr. Brysacz seconded. The motion passed, 6-0.

**X. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT**

A. Thomas Lutz, D.O. Case No. 2939A License No. 2303  
Based on the case materials provided and reviewer recommendations, Dr. Wedel moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 5-0. Dr. Steinway was not present at the time of the vote was taken.

B. Harold Whitney Jr., D.O. Case No. 2939B License No. 1448  
Based on the case materials provided and reviewer recommendations, Dr. Wedel moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 5-0. Dr. Steinway was not present at the time of vote was taken.

C. Kevin Cleary, D.O. Case No. 3199 License No. 1647  
Based on the case materials provided and reviewer recommendations, Mr. Grossman moved that the case be dismissed. Dr. Steinway seconded. The motion passed, 6-0.

D. Ronald Goedecke, D.O. Case No. 3154 License No. 0643  
Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

E. Ronald Goedecke, D.O. Case No. 3155 License No. 0643  
Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

F. Daniel Dowswell, D.O. Case No. 3159 License No. 2808

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

G. Donald Kwasman, D.O. Case No. 3134 License No. 1711

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Dr. Brysacz seconded. The motion passed, 6-0.

H. Daniel MacLeod, D.O. Case No. 3019 License No. 2594

Dr. MacLeod was present. Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Dr. Brysacz seconded. The motion passed, 6-0.

I. Mark Goldstein, D.O. Case No. 3156 License No. 1572

Dr. Reiss recused himself from this case. Mr. Grossman, Vice President of the Board, presided. Based on the case materials provided and reviewer recommendations, Dr. Brysacz moved that an Investigative Hearing be conducted on this case. Dr. Cohen seconded. The motion passed, 4-1.

J. Lawrence Liszewski, D.O. Case No. 3198 License No. 3351

Based on the case materials provided and reviewer recommendations, Mr. Grossman moved that the case be dismissed. Dr. Steinway seconded. The motion passed, 6-0.

K. Lawrence Liszewski, D.O. Case No. 3100 License No. 3351

This case was tabled pending clarification of the services for which patient's insurance company was billed

L. Brian Marks, D.O. Case No. 3102 License No. 2964

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

M. Douglas Bobb, D.O. Case No. 3141 License No. 1990

Based on the case materials provided and reviewer recommendations, Mr. Grossman moved that this case be dismissed. Dr. Brysacz seconded. The motion passed, 6-0.

N. William Inboden, D.O. Case No. 3132 License No. 1199

Based on the case materials provided and reviewer recommendations, Dr. Wedel moved that this case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

O. Judy Pinsonneault, D.O. Case No. 3142 License No. 2762

Dr. Pinsonneault and the complainant were both present. The Board President summarized the case for the Board members. The Board then briefly discussed the case with both Dr. Pinsonneault and the complainant. Based on the case materials, the discussions, and the recommendations of the reviewers, Dr. Wedel moved that the case be dismissed. Dr. Cohen seconded. The motion passed, 4-2.

P. Robert Cohen, D.O. Case No. 3190 License No. 1918

Dr. Cohen was present. Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that an Investigative Hearing be conducted on this case. Mr. Grossman seconded. The motion passed, 6-0.

Q. Virginia Rutz, D.O. Case No. 3202 License No. 3090

Dr. Rutz was present, and presented her perspective on the case. Based on the case materials provided, the discussion, and reviewer recommendations, Dr. Cohen moved to dismiss the case. Dr. Steinway seconded. The motion passed, 6-0.

R. Charles Lindsay, D.O. Case No. 3144 License No. 0793

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that an Investigative Hearing be conducted on this case. Mr. Grossman seconded. The motion passed, 6-0.

S. David Schwartz, D.O. Case No. 3174 License No. 2478

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Mr. Grossman seconded. The motion passed, 6-0.

T. Theodore Crawford, D.O. Case No. 3162 License No. 2455

Based on the case materials provided and reviewer recommendations, Dr. Steinway moved that the case be dismissed. Dr. Cohen seconded. The motion passed, 6-0.

U. Corey Gilliland, D.O. Case No. 3296 License No. 3935

Based on the case materials provided, Dr. Steinway moved that an Investigative Hearing be conducted on this case. Mr. Grossman seconded. The motion passed, 6-0.

V. Jerome Rochlin, D.O. Case No. 3205 License No. 3886

Based on the fact that Dr. Rochlin is now deceased, Dr. Steinway moved that the case be administratively closed. Mr. Grossman seconded. The motion passed, 6-0.

W. Steven Pitt, D.O. Case No. 3219 License No. 2703

The complainant was present and presented his perspective on the case. Dr. Cohen moved that the Board go into Executive Session to receive legal advice. Dr. Steinway seconded. The motion passed and the Board went into Executive Session at 2:30 p.m. The Board returned to open session at 2:45 p.m. Based on the case materials provided, the discussion, and reviewer recommendations, Dr. Wedel moved that the case be dismissed. Dr. Steinway seconded. The motion passed, 6-0.

## **XI. REVIEW, DISCUSSION, AND ACTION ON PROPOSED LEGISLATION FOR UPCOMING SESSION, PURSUANT TO ARS § 32-1803(B)(13).**

A. HB2344: status of proposed changes to Osteopathic laws

The Executive Director discussed the status of the bill. The Board briefly discussed other changes to the Osteopathic statute they would like to propose during the next legislative session. The Board would like to propose two changes: 1) statutory authority for the staff to dismiss some types of complaints without the Board having to review or hear the cases, and 2) ability for doctor to make an apology to a patient without that apology being an admission of liability.

**XII. REVIEW, DISCUSSION, AND ACTION ON RULEMAKING, PURSUANT TO ARS § 32-1803(C)(1) AND (A)(10), AND SUBSTANTIVE POLICY STATEMENTS, PURSUANT TO ARS § 41-1091**

A. Packet FY02-01: Medical Assistants and miscellaneous changes

At the recommendation of the Executive Director, Dr. Cohen moved that the Board close the record on this rule package, and adopt the language presented in the final rulemaking packet. Dr. Steinway seconded. The motion passed, 5-0. Mr. Grossman was not present at the time the vote was taken.

B. Radiation Regulatory Agency's rules for laser techs

The Executive Director informed the Board that the Radiation Regulatory Agency was proceeding with the promulgation of rules for the training and supervision of technicians who operate lasers. The current agreement is that each doctor acting as a medical director supervising such technicians will have to act within the standards of that doctor's own practice act.

C. Rule on CME requirement

The Board discussed the proposed change in the rules defining what type of CME credit is acceptable toward the statutory requirement of 20 hours per year. Dr. Steinway moved that a rule packet be initiated that would require 20 hours of Category 1 or 1-A credit each year, with at least 8 hours of CME approved by the AOA. Dr. Brysacz seconded. The motion carried, 5-0. Mr. Grossman was not present at the time the vote was taken.

**XIII. REVIEW, CONSIDERATION, AND ACTION ON EXECUTIVE DIRECTOR'S REPORT.**

A. Performance Measures Report

The Board had no questions or comment on this report.

B. Financial Report

The Executive Director noted that it was doubtful that the renewals would meet the numbers or revenue projected. While the shortfall will not affect the appropriated expenditures for the current or next fiscal years (FY04 and 05), further research is needed to determine if the demographics of the licensed community indicate that the non-renewal rate will continue to rise as more doctors retire.

C. Information technology projects

The Executive Director informed the Board that the replacement of computer equipment was completed, except for one item; that work on developing the website continued toward a mid-summer launch date. The Board then discussed with the Executive Director the feasibility of moving from a paper-based system to an electronic system. The Executive Director will explore the possibility of moving the review process to an electronic system, as a pilot project.

**XV. ADJOURNMENT**

There being no further business on the agenda, Dr. Reiss adjourned the meeting at 4:15 p.m.

Drafted: March 29, 2004  
Approved: May 8, 2004